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9 Attorney for the Defendant  
10 MARIO ALEX MEDINA  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

CASE NO. 5:24-MJ-00017 CDB

14 Plaintiff,

DEFENDANT MARIO MEDINA'S  
REQUEST AND [PROPOSED]  
ORDER TO WAIVE APPEARANCE  
PURSUANT TO FED. RULES CRIM.  
PRO., 43(A)

v.

15 MARIO ALEX MEDINA

16 Defendant.

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18 I. INTRODUCTION

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20 On April 8, 2024, Mr. Medina was arraigned on the Complaint from the Central District of  
21 California and requested a Detention hearing on April 11, 2024. AUSA and defense counsel filed a  
22 stipulation to continue the Detention hearing to April 18, 2024, due to defendant's medical issues.  
23 After further conversation with Mr. Medina at Dignity Health Hospital on April 17, 2024, defendant  
24 requests reserving the issue of detention to the charging Central District of California. Mr. Medina  
25 still suffers from serious health issues and is unable to be transported to address the court regarding  
26 the change in his detention request.  
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## **II. POINTS AND AUTHORITIES**

Federal Rules of Criminal Procedure, rule 43(a)(1) and (2) provide that a defendant must be present at the initial appearance, the initial arraignment, plea, every trial stage, and sentencing.

Mr. Medina is due to appear tomorrow to address the court regarding detention. It is not his first appearance in court, not his arraignment, not his entry of plea, not for trial or sentencing. Rule 43 does not require defendant's presence during detention hearings, or status regarding detention hearing.

On April 17, 2024, Mr. Medina gave defense counsel permission to appear on his behalf and to request the reservation of the issue of detention to the charging district. Mr. Medina requests the Court to proceed in his absence as he is eager to be transported to the charging district as soon as possible.

### III. CONCLUSION

Based on the forgoing, counsel for Mr. Medina respectfully requests that he be allowed to appear via counsel.

DATED: April 17, 2024

/s/ Mai Shawwa  
MAI SHAWWA  
Counsel for Defendant  
MARION MEDINA

ORDER

**IT IS SO FOUND AND ORDERED** that defense counsel, Mai Shawwa, be allowed to appear on behalf of Mr. Medina

Date: April 18, 2024

  
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MAGISTRATE JUDGE CHRISTOPHER D. BAKER